

## REMARKS

The present application was filed on November 26, 2003 with claims 1 through 25. Claims 1 through 25 are presently pending in the above-identified patent application. Claims 1, 13 and 25 are proposed to be amended.

In the Office Action, the Examiner rejected claims 5, 6, 17 and 18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In addition, the Examiner rejected claims 12 and 24 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-25 were rejected under 35 U.S.C. §102(b) as being anticipated by Kanevsky et al. (United States Patent No. 5,774,525).

### Section 112 Rejection

The Examiner rejected claims 5, 6, 17 and 18 under 35 U.S.C. §112, second paragraph, as lacking antecedent basis for the limitation “answers to user selected questions” in their respective independent claims. Applicants submit that this is the first introduction of this limitation (and thus cannot have antecedent basis) and this limitation is not introduced by the term “said ”

Thus, Applicants respectfully request withdrawal of the rejection under Section 112.

### Section 101 Rejection

Claims 12 and 24 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner notes that the claims recite that “at least one topic is selected based on psychological insights.” The specification, at page 11, lines 5-9, notes that “[t]he present invention recognizes that a query based authentication scheme can employ psychological insights to derive questions having answers that are easily recalled by the user, yet not easily guessed by an attacker. For example, it has been found that many people have very strong “flashbulb memories” of key public events that occurred in their lives, such as the events of September 11, 2001”

Claims 12 and 24 are directed to selecting at least one topic based on “psychological insights.” The independent claims require presenting the user with at least one topic; and receiving one or more personal details from the user associated with the at least one topic. It is the topic that is based on “psychological insights.” In other words, the topic is selected such that the questions will have answers that are easily recalled by the user.

The Examiner appears to suggest that the descriptor “many people” infers that not *all* people have psychological insights that allow questions having answers that are easily recalled by the user. Section 101, however, does not require that the claimed subject matter be useful to all people.

Rather, the claims are merely required to have *some* utility. See, for example, *Carl Zeiss Stiftung v. Renishaw plc*, 945 F.2d 1173 (Fed. Cir. 1991) (noting that “an invention need not be the best or only way to accomplish a certain result, and it need only be useful to some extent and in certain applications”). Applicants submit that the present invention, as defined by claims 12 and 24, has utility at least with regard to those people who have psychological insights that allow questions having answers that are easily recalled by the user.

Applicants respectfully request withdrawal of the rejection under Section 101.

Section 102 Rejection of Independent Claims

Independent claims 1, 13 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Kanevsky et al. With regard to claim 1, for example, the Examiner asserts the Kanevsky et al. disclose a method for generating a password for a user (col. 4, lines 14-19), comprising: presenting said user with at least one topic (col. 6, lines 11-15); receiving one or more personal details from said user associated with said at least one topic (col. 2, lines 8-22); ensuring that a correlation between said user and said one or more personal details does not violate one or more predefined correlation rules (col. 2, lines 27-40); and recording said one or more personal details as a password for said user (cols. 10 and 11, lines 65-67 and 1-5).

Kanevsky et al. is directed to methods and apparatus utilizing dynamic questioning to provide secure access control. In col. 2, lines 27-40, Kanevsky et al. suggests that a “first module may be controlled to generate questions such that a *minimum amount of information contained in the dynamic data base is disclosed* to the user. This feature is advantageous because it *protects against an eavesdropper* gaining access to the service or facility and provides the capability of generating a relatively large number of different questions from a small data base.” (emphasis added).

There is no disclosure or suggestion in Kanevsky et al. of “ensuring that said user cannot be correlated with said one or more personal details based on one or more predefined correlation rules,” as required by each independent claim, as amended. The present invention is employed *during an enrollment process*, to ensure that one or more personal details proposed as a password *cannot be* correlated with the user, as required by each independent claim, as amended. These amendments are supported, for example, by FIG. 4 (enrollment process) and the corresponding discussion. Kanevsky et al. does not disclose or suggest ensuring that said user *cannot be correlated* with said one or more personal details, based on one or more predefined correlation rules, as variously required by each independent claim, as amended.

Applicants respectfully request withdrawal of the rejection of the independent claims under Section 102

Dependent Claims

Claims 2-12 and 14-24 are dependent on independent claims 1 and 13, respectively, and are therefore patentably distinguished over Kanevsky et al. because of their dependency from independent claims 1 and 21 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i e , claims 1-25, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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